

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ROBERT DEMOS, JR.,

CASE NO. 2:22-cv-01038-LK

Petitioner,

ORDER ADOPTING REPORT AND RECOMMENDATION

ROBERT M. JACKSON,

Respondent.

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Michelle L. Peterson, United States Magistrate Judge, Dkt. No. 2, and Petitioner John Robert Demos, Jr.’s objections to the R&R, Dkt. No. 3.

On July 26, 2022, Demos filed a proposed application to proceed in forma pauperis and a proposed petition for writ of habeas corpus under 28 U.S.C. § 2254. Dkt. Nos. 1, 1-1. An Order of this Court provides for the return without filing of any petition that seeks an extraordinary writ pursuant to 28 U.S.C. §§ 1651, 2253, or 2254, unless accompanied by the filing fee. *See Demos v. Stanley*, No. 2:97-MC-00031-JLW, Dkt. No. 1 (W.D. Wash. Mar. 13, 1997). Demos did not accompany his § 2254 petition with the filing fee, and Judge Peterson thus issued the instant R&R

recommending that, in accordance with the Court's Order of March 13, 1997, the Clerk be directed to administratively close this matter. Dkt. No. 2 at 1-2.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

Demos is well-known locally and nationally as an abusive litigant. He is under pre-filing bar orders in a number of courts, including this Court, the Eastern District of Washington, the Washington State courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court. *See, e.g., Demos v. Storrie*, 507 U.S. 290, 291 (1993). Demos’s objections do not address his failure to pay the filing fee. *See* Dkt. No. 3. The R&R correctly directs the Clerk to administratively close this matter because of Demos’s failure to pay the filing fee. Moreover, Petitioner may not proceed with a second or successive habeas petition in this Court unless and until the Ninth Circuit authorizes its filing, which it has not done. *See* 28 U.S.C. § 2244(b)(3)(A).

The Court accordingly ORDERS as follows:

1. The Court ADOPTS the Report and Recommendation, Dkt. No. 2.
 2. The Clerk shall administratively CLOSE this matter and STRIKE any pending motions as moot. *See Demos v. Stanley*, No. 2:97-MC-00031-JLW, Dkt. No. 1.
 3. The Clerk is DIRECTED to send copies of this Order to Demos and to Judge Peterson.

Dated this 13th day of October, 2022.

Lauren King
Lauren King
United States District Judge